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Attorneys for Defendant  
 ARMAN VARDANYAN

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. 4-11-70780-MAG
	)	No. 4-11-70781-MAG
Plaintiff,	)	
	)	STIPULATION AND ORDER TO
v.	)	CONTINUE STATUS CONFERENCE
	)	AND EXCLUDE TIME UNDER THE
EDUARD ARAKELYAN, and	)	SPEEDY TRIAL ACT
ARMAN VARDANYAN,	)	
	)	
Defendants.	)	

IT IS HEREBY STIPULATED AND AGREED between the plaintiff through its attorney, Tamara Weber, and the defendants through their undersigned attorneys, Leo Fasen and Jerry Kaplan, that the preliminary hearing or arraignment presently set for January 20, 2012, be continued to February 23, 2012 at 9:30 a.m. Mr. Kaplan will be unavailable on January 20, 2012 because he will be in Miami, Florida. In addition, defense counsel request additional time to review a plea agreement with their clients. The parties agree that the delay is not attributable to lack of diligent preparation on the party of the attorney for the government or defense counsel. For these reasons, the parties request that time under the Speedy Trial Act be excluded based on continuity of counsel and the defense's need for reasonable time necessary for effective preparation, taking into account the exercise of due diligence.. Defendant also agrees to waive the timing of a preliminary hearing or indictment under 18 U.S.C. § 3161(b) and Federal Rule of

STIPULATION AND ORDER  
 Nos. 4-11-70780/4-11-70781

cc: Copy to parties via ECF, Lashanda

Criminal Procedure 5.1. The parties agree that the waiver covers all time between the date of this stipulation and February 23, 2012.

IT IS SO STIPULATED

Dated: January 18, 2012

/S/  
JERRY KAPLAN  
Attorney for Defendant Arakelyan

Dated: January 18, 2012

/S/  
LEO FASEN  
Attorney for Defendant Vardanyan

Dated: January 18, 2012

/S/  
TAMARA WEBER  
Special Assistant United States Attorney

### ORDER

GOOD CAUSE HAVING BEEN SHOWN, it is hereby ordered that the hearing in this matter now scheduled for January 20, 2012 is hereby rescheduled for February 23, 2012 at 9:30 a.m. Based upon the representation of counsel and for good cause shown, the Court also finds that failing to exclude the time between January 20, 2012 and February 23, 2012 would unreasonably deny the defense continuity of counsel and the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time between January 20, 2012 and February 23, 2012 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore, it is hereby ordered that the time between January 20, 2012 and February 23, 2012, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv). In addition, upon consent of the defendants, the timing of a preliminary hearing or indictment is waived pursuant to 18 U.S.C. § 3161(b) of the Federal Rule of Criminal Procedure 5.1.

1 The waiver covers all time between January 20, 2012 and February 23, 2012. The court  
2 finds that the ends of justice served by the continuance outweigh the interests of the public and  
3 the defendant, and good cause to extend the time for a preliminary hearing.  
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5 DATED: January 19, 2012  
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7 HONORABLE DONNA M. RYU  
8 United States Magistrate Judge  
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